

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

KYLE BENGSTON,)	
)	
PLAINTIFF,)	
)	
v.)	3:06-cv-00569-MEF
)	
)	
DAVID BAZEMORE, O.D. et. al)	
)	
DEFENDANTS.)	

**PLAINTIFF'S SUBMISSION IN RESPONSE TO THIS
COURT'S PRE-TRIAL INQUIRY**

COMES NOW the Plaintiff, and files portions of the Deposition of Kyle Bengston in response to one of the Court's questions to counsel at the Pre-Trial of this matter. The purpose of this submission is as follows:

1. At the Pre-Trial, on November 2, 2007, the Court inquired of counsel as to whether the Plaintiff relied on the fact that Defendant Bazemore's practice was located on the premises of Defendant Wal-Mart Stores, Inc., in selecting Defendant Bazemore as his optometrist.
2. All counsel informed the Court that they could not recall any testimony regarding the Court's inquiry.
3. Upon review, the attached submission represents the Plaintiff's testimony regarding his decision to employ Defendant Bazemore.

Respectfully submitted this 7th day of November, 2007.

/s/ James B Douglas Jr.
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Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above on all parties of record by use of this Court's electronic filing system on this the 7th day of November, 2007.

/s/ James B Douglas Jr.
James B. Douglas, Jr.

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